

Abstrakt

Liability for damage caused by unlawful decision or maladministration

The concept of liability for damage is one of the basic institutions of private and public law. Civil liability for damage provides protection for property and personal relations of natural persons and legal entities. Liability for damage is formed by a fulfilment of conditions stipulated by law. The aim of this liability is to eliminate the consequences of breaking the law and to prevent the occurrence of damage through pre-emption.

As a topic of my thesis, I have chosen the specific case of civil liability which is the liability for damage caused by unlawful decision or maladministration. I will specifically focus on the liability of the state for damages caused by execution of public authority, where the state acts as a public entity in a legal relationship. The aim of state liability caused by execution of public authority is to provide legal certainty to parties in a legal relationship. If damage is caused as per the conditions defined by law, the aim of state liability for damage is also to remove any unwanted consequences of breaking law. Last but not the least, the function of state liability for damage caused by execution of public authority is to prevent the damages in the first place.

In my thesis I provide a comprehensive explanation of the topic. The thesis is divided into five parts. The first part focuses on the general concept of liability in civil law. Basic concepts and definitions of civil liability are covered here. The following chapter contains a general explanation of state liability for damage caused in the exercise of public authority as a special kind of liability, including the conditions of this liability. Chapters three and four separately describe the two basic forms of state liability for damage – unlawful decision and maladministration. The final part of my thesis includes conditions required to file a claim to compensation. I also provide several legal deliberations *de lege ferenda*.

In the text of the thesis I have included some judgments of the Supreme Court and the Constitutional Court of the Czech Republic. Through the judgments I have tried to make the topic of the thesis more informal and to bring it closer to everyday life.